

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MELVIN O. WRIGHT,

Plaintiff,

-against-

9:03-CV-0743
(LEK/DEP)

GLENN S. GOORD, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on February 27, 2006, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 53). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff and a response by Defendants, which were filed on March 13, 2006 and March 21, 2006, respectively. Objections (Dkt. No. 54); Response (Dkt. No. 55).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.¹

¹ The Court does note that the correct citation for Ryan v. Lyder is No. 01 Civ. 10057, 2002 WL 1990780 (S.D.N.Y. Aug. 28, 2002). Report-Rec. (Dkt. No. 53) at 11. Additionally, the correct citation for Tellier v. Fields is 280 F.3d 69 (2d Cir. 2000). Report-Rec. (Dkt. No. 53) at 19.

Accordingly, it is hereby

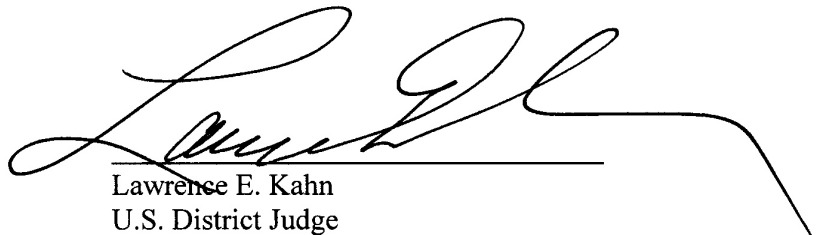
ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant's motion for summary judgment (Dkt. No. 48) is **GRANTED**, on the merits, and that Plaintiff's second amended complaint (Dkt. No. 7) is **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: March 27, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge